

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA, §  
§  
Plaintiff, §  
§  
v. § Crim. No. 4:20-cr-212-ALM-KPJ  
§  
DEBRA LYNN MERCER-ERWIN (1) §  
and KAYLEIGH MOFFETT (2), §  
§  
Defendants. §

**ORDER**

Pending before the Court is Defendants Debra Lynn Mercer-Erwin and Kayleigh Moffett's (together, "Defendants") Motion for Bill of Particulars (the "Motion") (Dkt. 286), to which the Government filed a response in opposition (Dkt. 287). Upon consideration, the Motion (Dkt. 286) is hereby **DENIED**.

Federal Rule of Criminal Procedure 7(f) permits a defendant to request a bill of particulars, which provides details of the charges brought against the defendant so the defendant may prepare her defense and avoid surprises at trial. *See* FED. R. CRIM. P. 7(f); *United States v. Churchill*, No. 4:20-cr-252, 2021 WL 862306, at \*1 (E.D. Tex. Mar. 8, 2021). "A defendant possesses no right to a bill of particulars." *United States v. Rodriguez*, No. 4:18-cr-216, 2020 WL 4689193, at \*4 (E.D. Tex. July 27, 2020) (quoting *United States v. Burgin*, 621 F.2d 1352, 1358 (5th Cir. 1980)), *R. & R. adopted*, 2020 WL 4674141 (E.D. Tex. Aug. 12, 2020). The trial court has discretion to grant a bill of particulars. *Churchill*, 2021 WL 862306, at \*1 (citing *Burgin*, 621 F.2d at 1358–59). A court abuses its discretion in denying a motion for a bill of particulars only when the denial results in actual surprise at trial and prejudice to the defendant's substantial rights. *Id.* (citing *United States*

